

Magistrate Judge Michelle L. Peterson

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

KYLE CHRISTOPHER BENTON,
Defendant.

CASE NO. MJ24-561

COMPLAINT for VIOLATION

Title 18, United States Code, Section 922(o)

BEFORE, the Honorable Michelle L. Peterson, United States Magistrate Judge,
U.S. Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Unlawful Possession of a Machinegun)

On or about September 6, 2024, in Snohomish County, within the Western District
of Washington, KYLE CHRISTOPHER BENTON did possess, a machinegun, that is a
black M16 type 5.56x45 caliber rifle with no apparent markings.

All in violation of Title 18, United States Code, Sections 922(o).

1 And the complainant states that this Complaint is based on the following
2 information:

3 I, Matthew Morgan, being first duly sworn on oath, depose and say:

4 **INTRODUCTION**

5 1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and
6 have been employed as such with the FBI since December 6, 2020. I am currently
7 assigned to the Seattle Field Division where I am a member of the Domestic Terrorism
8 squad. In this capacity, I investigate various criminal and terrorism related offenses
9 including 18 U.S.C. § 373, conspiracy to commit a crime of violence, 18 U.S.C. § 875,
10 threats communicated in interstate commerce, 18 U.S.C. § 922(o), unlawful possession of
11 a machine gun among many other offenses. I have received specialized training in
12 conducting Domestic Terrorism related investigations, investigative techniques, and
13 writing affidavits in support of search warrants investigating violations of federal law. I
14 have previously written affidavits in support of court-authorized federal warrants in the
15 Western District of Washington. I am an investigative law enforcement officer of the
16 United States within the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to
17 conduct investigations of, and to make arrests for, violations of numerous federal statutes.

18 2. I make this affidavit in support of this complaint based both on personal
19 knowledge and on information I have obtained from a review of official reports prepared
20 by other law enforcement officers and/or discussions with those officers. Because this
21 affidavit is made for the limited purpose of establishing probable cause to believe the
22 defendant committed the offense alleged above, it does not contain all of my knowledge
23 regarding the surrounding circumstances.

24 **SUMMARY OF PROBABLE CAUSE**

25 3. On September 4, 2024, United States Magistrate Judge S. Kate Vaughan
26 authorized a search warrant under case number MJ24-553 to search 330 Maple Avenue,
27 apartment A-1, Snohomish, Washington (hereinafter "the residence"), which I know from

1 my review of reports, documents, and video footage related to the FBI's investigation of
2 BENTON and from my conversations with others, is the residence of BENTON, which
3 he shared only with his former significant other and children.

4 4. On September 6, 2024, FBI agents served the previously identified warrant
5 at 330 Maple Avenue, apartment A-1, Snohomish, Washington. From my conversations
6 with individuals at the residence, I know investigators located a black M16 type 5.56x45
7 caliber rifle with no apparent markings in a closet in the residence.

8 5. On September 6, 2024, Bureau of Alcohol, Tobacco, Firearms, and
9 Explosives (ATF) Special Agent Gregory Heller conducted a preliminary examination of
10 the black M16 type 5.56x45 caliber rifle with no apparent markings found in the
11 residence. According to Special Agent Heller, he performed a function test of the firearm
12 without firing it and it functioned as a machinegun.

13 6. From my review of the black M16 type 5.56x45 caliber rifle with no
14 apparent markings, it appears to be the same firearm I observed in a video posted on a
15 social media account associated with BENTON in August of 2024. In the video, I
16 observed the firearm shooting in fully automatic fire capacity. A screenshot of the video I
17 observed is pasted below.



1 7. Additionally, from my communication with members of the search team,
2 investigators believe they recovered the hat and jacket seen in the video posted above
3 from the residence as well.

4 8. I know, based on my training and experience, that certain firearms required
5 to be registered under the National Firearms Act (NFA), including machineguns, are
6 registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I know from
7 my communication with an ATF agent, who caused a query of the National Firearms
8 Registration and Transfer Record (NFRTR) for BENTON with his identifying
9 information, that as of September 3, 2024, BENTON is not an individual with a
10 registered firearm in the NFRTR. I further know from communicating with Agent Heller
11 that the black M16 type 5.56x45 caliber rifle with no apparent markings recovered from
12 the residence appears to be unserialized, and therefore could not be registered with the
13 NFRTR.

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16 //

CONCLUSION

9. Based on the aforementioned facts, I respectfully submit that there is probable cause to believe that KYLE CHRISTOPHER BENTON committed the offense of Unlawful Possession of a Machinegun, in violation of Title 18, United States Code, section 922(o).


MATTHEW MORGAN, Complainant
Special Agent, FBI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

Dated this 6th day of September, 2024.


MICHELLE L. PETERSON
United States Magistrate Judge